



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

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DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

**OCT 22 2013**

Ref: 8ENF-AT

Amanda Gardner  
No Pollution Enterprises  
31 Willow Springs Drive, Suite 303  
Charles Town, WV 25414

Re: Freedom of Information Act Request EPA-R8-2013-009686

Dear Ms. Gardner:

This is in response to your Freedom of Information Act (FOIA) request regarding documents pertaining to Tesoro Refining and Marketing Company LLC in Mandan, ND. On September 23, 2013, Laurie Ostrand, EPA, spoke with Nick Cheremisinoff, Principal Scientist for No Pollution. Mr. Cheremisinoff indicated that with respect to this FOIA request he is only looking for formal EPA enforcement actions and they are not interested in inspection reports, excess emission reports, etc. Providing formal EPA enforcement actions will address items 3 – 6 of the FOIA request letter. Mr. Cheremisinoff also spoke with Donald Law, in the EPA Region 8 Air Program. Mr. Cheremisinoff indicated to Mr. Law that with respect to items 1, 2, 7, and 8 of the FOIA request letter, at this time he is only looking for links to State websites where Title V permits are located.

With respect to formal EPA air enforcement actions we have searched our files and found several records that are responsive to your request. The records are attached within the FOIAonline website at: <https://foiaonline.regulations.gov/foia/action/public/home>. Also, all formal enforcement actions under the National Petroleum Refining Initiative can be found at the EPA website at: <http://www.epa.gov/compliance/resources/cases/civil/caa/bpamoco.html>. There you will find the consent decree between BP Amoco and the United States of America, Civil No. 2:96 CV 095 RL. The first amendment to this consent decree transfers all obligations of the above mentioned consent decree to Tesoro Petroleum Corporation regarding the Mandan Refinery.

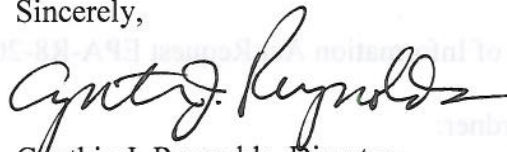
The North Dakota Title V permits can be found at: <http://www.ndhealth.gov/AQ/AirPermitting.htm>. The North Dakota Department of Health, Air Quality Division can be reached at the following phone number: (701) 328-5188.

Under the FOIA, you have the right to appeal this determination to the National Freedom of Information Office, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only), E-mail: [FOIA\\_HQ@epa.gov](mailto:FOIA_HQ@epa.gov). Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania

Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington DC, 20004. Your appeal must be made in writing, and "it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should include the FOI number listed above. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

If you have any questions concerning the enclosed information please contact Scott Whitmore, who can be reached at (303) 312-6317 or whitmore.scott@epa.gov.

Sincerely,



Cynthia J. Reynolds, Director  
Technical Enforcement Program

cc: Donald Law, EPA Region 8